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EXAMINER

DUNN, DARRIN D

ART UNIT PAPER NUMBER

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

10/686,956

Applicant(s)

SINGER ET AL.

Examiner

Darrin Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/15/2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/25/2004, 6/25/2004, 1/12/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the communication filed on 10/15/2003.
2. Claims 1-40 have been presented for examination.

Priority

3. Applicants' claim for provisional priority is acknowledged (12/17/2002.)

Information Disclosure Statement

4. Applicants' references within the IDS have been considered.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: FIG 25 reference character 2510 appears to be omitted from paragraphs [0133-0142]. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities: Paragraph [0026] "FIG. 1, a" - the letter "a" was inadvertently bolded.

Appropriate correction is required.

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

8. Claim 14 is objected to because of the following informalities: The term [and] between terms [data] and [a client] does not appear grammatically correct. For purposes of this Office Action, the term [from] is believed to be the intended term. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the term [device] refers to a providing or a receiving device.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-4,8-18, 26-30, 32, & 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Outten et al. (USPN 7024466).

13. As per claim 1, Outten et al. teaches a method of presenting content data ([ABSTRACT], comprising:

receiving at a client in a hub network a present request indicating locked content data ([FIG. 1], [Col. 5, lines 10-20, lines 37-40, lines 48-50], [Col. 6, lines 10-12], [Col. 6, lines 13-15, lines 35-37] e.g., a hub network is interpreted as the equivalent of a client/server network. In the present case, user network devices (clients) communicate with servers via a network connection. Furthermore, “receiving at a client a present request...” is interpreted as requesting content via an interface displayed on user network device (UND) because any request must be received by the UND before being transmitted to a server).

checking a license corresponding to said locked content data to determine if said license permits said client to present said locked content data([Col. 7, lines 1-10],[Col. 16, lines 16-20]).

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presenting said locked content data through a presentation component connected to said client ([Col. 6, lines 63-67]).

wherein said license and said locked content data is bound to said hub network ([Col. 8, lines 40-52], [Col. 17, lines 35-42] e.g., a license associated with a specific UND, i.e., client, is bound with the specific UND. It is interpreted that binding a license and content with a UND also is equivalent to being bound to a hub network because a client is part of the network).

14. As per claim 2, Outten et al. teaches the method of claim 1, wherein:

said locked content data and said license are stored on said client ([Col. 17, lines 30-35], [Col. 18, lines 6-8]).

15. As per claim 3, Outten et al. teaches the method of claim 2, wherein:

presenting said locked content data includes decrypting said locked content data to produce output content data and sending said output content data to said presentation component ([Col. 15, lines 53-60], [Col. 18, lines 34-37]).

16. As per claim 4, Outten et al. teaches the method of claim 1, wherein:

said locked content data is stored on a server, said server is connected to said client in said hub network ([Col. 6, lines 13-15], [FIG 1]).

17. As per claim 8, Outten et al. teaches the method of claim 1, further comprising:

checking a revocation list to determine whether said client is included in said revocation list ([Col. 16, lines 15-20, 42-66] e.g., revocation list interpreted as records stored in a database corresponding to license permissions, where if the purchase authentication fails, permission to receive the content is denied).

wherein said revocation list is stored on said server ([Col. 16, lines 16-17])

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18. As per claim 9, Outten et al. teaches the method of claim 1, wherein:

said locked content data is media data ([Col. 4, lines 29-35], [Col. 18, lines 9-10] e.g., movie file interpreted as media data, where media file is encrypted).

19. As per claim 10, Outten et al. teaches the method of claim 1, wherein:

said presentation component is integral to said client ([Col. 5, lines 48-60] e.g., presentation component interpreted as an interface to view content. In the present case, a user network device includes a network enabled television. It is interpreted that integral means one or the same, where the network enabled television functions as a client).

20. As per claim 11, Outten et al. teaches the method of claim 1, wherein:

said presentation component is external to said client ([Col. 5, lines 48-60] e.g., external to client is interpreted as pertaining to an external surface of the user network device/client. The network enabled television inherently contains a screen, which resides on the surface, i.e., external, of the network enabled television, i.e., client).

21. As per claim 12, Outten et al. teaches the method of claim 1, wherein:

said presentation component includes a television ([Col. 5, line 55]).

22. As per claim 13, Outten et al. teaches the method of claim 1, wherein:

said presentation component includes an audio speaker system ([Col. 5, line 55] e.g., speaker system is inherent to a television).

23. As per claim 14, Outten et al. teaches a method of presenting content data

([ABSTRACT]) comprising:

receiving at a server in a hub network a present request indicating locked content data and a client in said hub network ([FIG. 1], [Col. 5, lines 10-20, lines 37-40, lines 48-50], [Col. 6,

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lines 10-12], [Col. 6, lines 13-15, lines 35-37] e.g., a hub network is interpreted as the equivalent of a client/server network. In the present case, user network devices (clients) communicate with servers via a network connection. Furthermore, “receiving at a server a present request...” is interpreted as receiving a request transmitted by the user network device for content, where the specification discloses such content is encrypted).

checking a license corresponding to said locked content data to determine if said license permits said server to present said locked content data through said client ([Col. 16, lines 56-65]).

presenting said locked content data by streaming data to said client ([Col. 4, lines 29-35], [Col. 6, lines 63-66] e.g., content may include streamed data (the disclosure specifically points out that electronic content includes streaming data), where content is presented via a media player tool, where media tool resides on UND, i.e., client).

wherein said locked content data is bound to said hub network ([Col. 8, lines 43-52]).

24. As per claim 15, Outten et al. teaches the method of claim 14, wherein: streaming data to said client includes streaming locked content data to said client ([Col. 4, lines 29-35], [Col. 18, lines 9-10] e.g., content includes streaming data, where such content is encrypted by the system. It is understood that a user network device, i.e., client, functions to present the decrypted content).

25. As per claim 16, Outten et al. teaches the method of claim 14, further comprising: decrypting said locked content data ([Col. 15, line 54]).

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26. As per claim 17, Outten et al. teaches the method of claim 14, wherein said present request is received from said client ([Col. 6, lines 10-12] e.g., UND interpreted as a client because the UND comprise network enabled devices – see Col. 5, lines 48-60).

27. As per claim 18, Outten et al. teaches the method of claim 14, further comprising: checking a revocation list to determine whether said client is included in said revocation list ([Col. 16, lines 15-20, 42-66] e.g., revocation list interpreted as records stored in a database corresponding to license permissions, where if the authentication fails, permission to receive the content is denied.)

wherein said revocation list is stored on said server ([Col. 16, lines 16-17]).

28. As per claim 26, Outten et al. teaches a method of distributing content data (Col. 18, lines 58-60), comprising:

receiving from a providing device in a hub network at a receiving device a copy of locked content data ([Col. 18, lines 58-60], [Col. 17, lines 30-35] e.g., it is understood that a user downloads content to a UND, i.e., providing device, which then may copy such content to another computer, i.e., receiving device, where an encrypted file is copied, i.e., locked content data);

requesting a new license for said copy of locked content data ([Col. 18, lines 61-65], [Col. 17, lines 30-35] e.g., purchased license, i.e., new license); and

receiving new license ([Col. 17, lines 30-35]).

29. As per claim 27, Outten et al. teaches the method of claim 26 wherein, said providing device is a client in said hub network ([FIG.1], [Col. 17, lines 30-46] e.g., a client device is

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interpreted as a UND, where a UND receives downloaded content, and the UND contains content from which a copy can be made to a different machine, i.e., receiving device).

30. As per claim 28, Outten et al. teaches the method of claim 26, wherein:

said providing device is a server in said hub network ([Col. 14, lines 17-35] e.g., a copy of a content item, i.e., movie, is provided by a server. It is understood via implication that copies are transmitted to a user juxtaposed to an original file, also see Col. 13, lines 8-11).

31. As per claim 29, Outten et al. teaches the method of claim 26, wherein:

said new license is received from said client ([Col. 7, lines 30-43] e.g., a UND, i.e., client, receives a purchased license, i.e., new license, where a user can later copy both the downloaded content and license onto a different machine, i.e., receiving a new license from another client).

32. As per claim 30, Outten et al. teaches the method of claim 26, wherein:

said new license is received from a server in said hub network ([Col. 18, lines 61-67], [Col. 17, lines 57-65] e.g., a main website, i.e., server, interpreted as providing a new license/purchased license to a UND).

33. As per claim 32, Outten et al. teaches the method of claim 26, wherein:

said copy of locked content data has corresponding licensing authority stored on said device ([Col. 17, lines 35-35] e.g., copy of downloaded content, i.e. locked content data, has a corresponding access control to the content via a license, i.e., licensing authority information, where the license is downloaded to a machine, i.e., device).

said new license is received from a licensing authority indicated by said licensing authority information ([Col. 17, lines 20-29], [Col. 18, lines 20-34] e.g., a purchased license, i.e.,

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new license, is received from a main website, i.e., licensing authority, where the term indicated is interpreted as indicating the source of the license. In this case, the confirmation that the license has been purchased inherently requires the source to verify/indicate that the purchased license was actually from the main website).

34. As per claim 36, Outten et al. teaches the method of claim 26, further comprising:

checking a revocation list to determine whether said device is included in said revocation list ([Col. 16, lines 16-20] e.g., a revocation list is interpreted as a database to determine whether a user has permission to access the content, i.e., whether a license by the UND has been purchased);

wherein said revocation list is stored on said device ([Col. 16, lines 16-20] e.g., main server stores database).

Claim Rejections - 35 USC § 103

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

37. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Outten et al. (USPN 7024466) in view of Tran et al. (USPN 2003/0212905).

38. As per claim 5, Outten et al. teaches the limitation of claim 1 where a license is requested by a client from a server ([Col. 17, lines 58-65], but does not teach the limitation where a license check is performed by sending a confirm license request to said server from said client. Tran et al. teaches a license confirmation request as well as a license information file that client transmits to a server ([0004]).

At the time the invention was made, one of ordinary skill in the art would have motivation to modify Outten et al. to include a license confirmation request from a client to a server as taught by Tran et al. Upon requesting a license to access protected content, it is possible that either an incorrect license or no license is granted. A license confirmation request provides verification that a correct license was received.

39. As per claim 6, Outten et al. teaches the method of claim 5, wherein:

presenting said locked content data includes receiving output content data streamed from said server to said client ([Col. 4, lines 30-35], [Col. 10, lines 1-3], [Col. 15, lines 40-59] e.g., it is interpreted that content data includes streaming data, where it is understood that the content is encrypted, i.e., locked, then presented via a media interface residing on the user network device, i.e., client).

40. As per claim 7, Outten et al. teaches the method of claim 5, wherein:

checking a revocation list to determine whether said client is included in said revocation list ([Col. 16, lines 15-20, 42-66] e.g., revocation list interpreted as records stored in a database corresponding to license permissions, where if the purchase authentication fails, permission to receive the content is denied).

wherein said revocation list is stored on said server ([Col. 16, lines 16-17]).

41. Claims 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Outten et al (USPN 7024466) in view of Higashi et al. (USPN 2002/0107806).

42. As per claim 19, Outten et al. teaches a method of copying content data ([Col. 18, lines 58-67], comprising:

copying said locked content data to produce a copy of said locked content data ([Col. 18, lines 58-60]).

wherein said locked content data has a corresponding license that is bound to said hub network ([Col. 8, lines 42-53], [Col. 17, lines 34-45], [FIG 1.]).

Outten et al. teaches the transfer of encrypted content, i.e., locked content data, in a client/server network. However, Outten et al. does not teach receiving in a hub network a copy request. Higashi et al. teaches receiving a copy request ([0170] e.g., query is made to the server device for copy permission).

At the time the invention was made, one of ordinary skill in the art would have motivation to modify Outten et al. to further include receiving a copy request for locked content data via a client. Since a license may permit a specific number of copies to be made, there is motivation to prevent unauthorized copying by first receiving a copy request prior to granting the request. Since the server provided in Outten et al. provides licenses to encrypted content, one of

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ordinary skill in the art could request permission from the server to grant a copy request as another means of granting authorization as taught by Higashi et al.

43. As per claim 20, Higashi et al. teaches the method of claim 19, further comprising:

checking said license to determine if said license permits said locked content data to be copied ([0170] e.g. license is interpreted as a usage authorization, where it is implied that usage authorization (held on the server) provides permission for copying).

44. As per claim 21, Outten et al. teaches the method of claim 19, further comprising:

requesting a new license from a server for said copy of said locked content data ([Col. 9, lines 59-61], [Col. 18, lines 58-67] e.g., querying whether user wants to purchase a license for copied content implies that a new license is required for the copied content, where it is understood that a server is a license provider).

wherein said server is in said hub network and connected to said client ([FIG 1] e.g., user network device, i.e., client, connected to server).

45. As per claim 22, Outten et al. teaches the method of claim 19, further comprising:

sending said copy of said locked content data to a device ([Col. 18, lines 58-60]).

However, Outten does not expressly disclose that said copy is sent to a device that is not a member of said hub network. Outten et al. does teach that user devices may comprise network enabled devices – PDA, television, etc ([Col. 5, lines 48- 55] e.g., applicant's specification states a terminal device is not a member of a hub network [0061]. In the present case, a PDA inherently contains a screen for outputting data, which screen is interpreted as a terminal device, or a non-member of the hub network).

At the time the invention was made, one of ordinary skill in the art would have motivation to use a PDA, which contains a terminal for outputting data among many other suitable devices for presenting data.

46. As per claim 23, Outten et al., as modified, teaches the method of claim 19, further comprising:

sending said copy of said locked content data to a computer, but does not expressly disclose that such computer is a client and not connected to said hub network ([Col. 18, lines 58-60] e.g., It is interpreted that, “not connected to the network,” requires a device –to- device connection opposed to a network –to-device connection. In the former, a network connection is not needed. In the latter, a network connection is required). However, Outten et al. does teach that network enabled devices, i.e., clients, may be used – PDA, television, mobile phone, etc ([Col. 5, lines 48- 55] e.g., a mobile device is a network enabled device, i.e., client of hub network). Also, it is well known in the art that media can be transferred via a floppy disk, CD, serial link, etc, i.e., device-to-device transfer.

At the time the invention was made, one of ordinary skill in the art would have motivation to use a network-enabled device as a computer to receive a copy from another device in place of the second computer. Since a network connection may periodically lose connectivity, a device-to-device transfer would provide an additional means to transfer content for use and provide redundancy.

47. As per claim 24, Outten et al. teaches sending a new license to a device ([Col. 17, lines 30-35], [Col. 18, lines 55-57, lines 58-67] e.g., a new license is purchased that can later be downloaded to a different machine). However, Outten does not expressly disclose that said new

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license is sent to a client that is a member of said hub network but is not connected to said hub network. Outten et al. does teach that user devices may comprise network enabled devices – PDA, television, mobile phone, etc ([Col. 5, lines 48- 55] e.g., a mobile device is a network enabled device, i.e., client of hub network.). Also, it is well known that data can be transferred using a serial link, i.e., device-to-device transfer.

At the time the invention was made, one of ordinary skill in the art would have motivation to provide a new license to a machine upon receiving a copy of locked data. It would have been obvious to replace the machine with a network-enabled device, i.e., client, where a purchased license could have been transferred via a device-to-device connection opposed to a network-to-device connection. By using a serial link opposed to a network link to transfer the license, a network failure would not compromise the ability to transfer a license. In effect, one of ordinary skill in the art could have effectuated a license transfer via utilizing a direct, physical link.

48. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Outten et al. (USPN 7024466) in view of Higashi et al. (USPN 2002/0107806 applied to claim 19, and further in view of Evans et al. (USPN 2003/0236978).

49. As per claim 25, Outten et al. teaches the method of claim 19, further comprising:

checking a revocation list to determine whether said client is included in said revocation list ([Col. 16, lines 15-20]). However, Outten et al., as modified by Hishashi et al., does not teach wherein said revocation list is stored on said client. Evans et al. teaches that a client stores a revocation list ([0144]).

At the time the invention was made, one of ordinary skill in the art would have motivation to store a revocation list on the client opposed to a server. In the event communication is lost to a server, and in the event a copy request is made from another computer for content stored on a client, a revocation list stored on a client would authenticate access juxtaposed to waiting for the re-establishment of server communication. In effect, one of ordinary skill in the art would have motivation to provide additional redundancy in the system as to limit delay in transferring locked content.

50. Claim 31 is rejected under 35 U.S.C. 103(a) as being obvious over Outten et al. (USPN 7024466) in view over Saito et al. (USPN 6665303).

51. As per claim 31, Outten et al. teaches a method of claim 26 including receiving a new license ([Col. 17, lines 57-67] e.g., purchased license, i.e., new license) However, Outten et al. does not teach that such a license is received from an external server not in said hub network. Saito et al. teaches a home network connected to a telephone network, where the license server is connected to the telephone network ([Col. 9, lines 21-27] e.g., license server is external to the home network and located in a telephone network, i.e., not in home network)

At the time the invention was made, one of ordinary skill in the art would have motivation to include an external server not in the hub network. In order to provide additional redundancy in the event of a network failure, an external licensing server would provide an additional safeguard as to enable content access.

52. Claims 33 & 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Outten et al. (USPN 7024466).

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53. As per claim 33, Outten et al. teaches the method of claim 26, where a receiving device is employed to accept a copy ([Col. 18, lines 58-63] e.g., a copy sent to second computer, i.e., device) However, Outten et al. does not disclose that the second computer is not a member of said hub network. Outten et al. does teach the use of a network enabled television ([Col. 5, line 55] e.g., television inherently contains a screen, serving as an output device, where the screen serves as a terminal that is not a member of the hub network. Note, applicant's specification, paragraph [0061] discloses a terminal for the purpose of outputting video and audio data. In accordance, a television screen is interpreted as the equivalent of a terminal).

At the time the invention was made, one of ordinary skill in the art would have motivation to replace the computer with a network enabled television as to provide a terminal screen to output data.

54. As per claim 35, Outten et al. teaches the method of claim 26, where the limitation of a receiving device is taught ([Col. 18, lines 59-60]), but does not teach the limitation that the device is not connected to said hub network. It is interpreted that the limitation "not connected to said hub network" means that the copy is acquired from a first machine to a second machine via a non-network transfer. It is well known in the art that a serial link can transfer data from one computer to another.

At the time the invention was made, one of ordinary skill in the art would have motivation to use serial link connection opposed to using the network to transfer the copy of the data. Since a network may lose connectivity, a direct data transfer via a serial link would provide additional redundancy.

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55. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Outten et al. (USPN 7024466) in view of Brewer et al. (USPN 5918016).

56. As per claim 34, Outten et al. teaches the method of claim 26, wherein the limitations of providing a receiving device in a hub network, a new license for said copy of locked data, and that license is bound to a hub network ([Col. 18, lines 58-60], [Col. 17, lines 30-45], [FIG 1]) However, Outten et al. does not teach the limitations where the receiving device is a member of a second hub network and that said new license of said locked content data is bound to said second hub network. Brewer et al. teaches a mobile computer connected to a second network medium where that computer connected to a second network medium ([ABSTRACT], [FIG 1]). In addition, Outten et al. also teaches that a license is associated to a particular machine ([Col. 8, lines 36-45] and that a license can be copied to a different machine ([Col. 17, lines 39-40], where a recipient processor, i.e., machine, may comprise mobile phones ([Col. 5, lines 48-55])).

At the time the invention was made, one of ordinary skill in the art would have motivation to provide a device from a second network with a license associated with the copied content. Since a license allows a particular device to access the content, there is motivation to prevent unauthorized access to content without a license.

57. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Outten et al. (USPN 7024466) in view of Peinado (USPN 2006/0259770).

58. As per claim 37, Outten et al. teaches a method of distributing content data ([ABSTRACT], comprising:

receiving at a server in a hub network from a device a request for a new license for a copy of locked content data ([Col. 18, lines 58-64] e.g., a connection is made to the main

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website, i.e., receiving at server, so that a user of the device may purchase a license, i.e., requesting a new license, to use a copy of the encrypted file, i.e., locked content data).

creating a new license according to said root license ([FIG 7]).

sending said new license to said device (FIG 7)).

However, Outten et al. does not teach checking a root license stored on said server to determine if said root license permits said server to provide a new license for said copy of locked content data. Peinado teaches a method of checking a root license ([FIG 6-7] e.g., root license interpreted as a license store).

At the time the invention was made, one of ordinary skill in the art would have motivation to include a root license/license store as to provide a corresponding license. Outten et al. teaches that a license is required for a copy of protected data, and that a server provides the license. Since a root license would provide a central authority for granting a license, there is motivation to incorporate a root license/license store on the server.

59. As per claim 38, Outten et al. teaches the method of claim 37, where a device is employed to receive data ([Col. 18, lines 58-64]), but does not teach that the device is not connected to the network. It is well known in the art that a serial link can be employed, i.e., no network connection is needed.

At the time the invention was made, it would have been obvious to use a serial link to transfer data from one computer to another, obviating the need for a network connection. In the event the network should fail, a serial link would enable the receiving device to still receive a copy of the content for viewing.

60. As per claim 39, Outten et al. teaches the method of claim 37, further comprising:

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checking a revocation list to determine whether said client is included in said revocation list ([Col. 16, lines 15-20, 42-66] e.g., revocation list interpreted as records stored in a database corresponding to license permissions, where if the purchase authentication fails, permission to receive the content is denied).

wherein said revocation list is stored on said server ([Col. 16, lines 16-17])

61. As per claim 40, Outten et al. teaches the method of claim 37, wherein:
said new license is bound to said hub network([Col. 17, lines 35-45]).

Conclusion

62. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

2003/0131252 – Electronic Content Distribution and Exchange System

2004/0093372 – Challenge and Response Interaction Between Client and Server

2004/0103297 – Controlling Interaction of Deliverable Electronic Media

2004/0117635 – Secure Legacy Media Peripheral Association With Authentication

2004/0039707 – Method For Distributing and Licensing Digital Media

2006/0031257 – System and Method For Distributing Media Assets to User Devices

2006/0117379 – Transcoding and Data Rights Management in a Mobile Video Network

2006/0159109 – Methods and Systems For Use in Network Management of Content

2006/0242083 – Method and Apparatus for License Distribution

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darrin Dunn whose telephone number is (571) 270-1645. The examiner can normally be reached on EST:M-R(8:00-5:00) 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571) 272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DD
03/28/2007



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